

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1173**

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**Introduced by Assembly Member Williams**

February 27, 2015

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An act to amend Section ~~116805~~ *116810* of the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL’S DIGEST

AB 1173, as amended, Williams. Water equipment: backflow ~~protection programs.~~ *prevention devices testing: certification.*

*Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health, including, but not limited to, conducting research, studies, and demonstration programs relating to the provision of a dependable, safe supply of drinking water, enforcing the federal Safe Drinking Water Act, adoption of enforcement regulations, and conducting studies and investigations to assess the quality of water in domestic water supplies.*

*Existing law requires any person who owns a public water system to ensure that the system does certain things, including, but not limited to, that it will not be subject to backflow under normal operating conditions. Existing law, to ensure that testing and maintenance of backflow prevention devices are performed by persons qualified to do testing and maintenance, authorizes local health officers to maintain programs for certification of backflow prevention device testers. A violation of these provisions, or an order by a local health officer pursuant to these provisions, is a misdemeanor.*

*This bill would require, if a local health officer does not maintain a program for certification of backflow prevention device testers, the testing and maintenance of a backflow prevention device be performed by a person who has received a California-specific certification for testing backflow prevention devices from one of specified entities or a similar certification provider deemed acceptable by the state board or the local health officer. Because a violation of these requirements would be a crime, this bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

~~Existing law authorizes local health officials to maintain programs, in cooperation with water suppliers, to protect against backflow through service connections into the public water supply system, and, with the consent of the water supplier, to collect fees from the water supplier to offset the costs of implementing these programs. Existing law requires that these programs be conducted in accordance with backflow protection regulations adopted by the State Water Resources Control Board.~~

~~This bill would make a nonsubstantive change by updating a reference from the State Department of Public Health to the State Water Resources Control Board.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 116810 of the Health and Safety Code is  
2     amended to read:  
3     116810. (a) To ~~assure~~ ensure that testing and maintenance of  
4     backflow prevention devices are performed by persons qualified  
5     to do testing and maintenance, local health officers may maintain  
6     programs for certification of backflow prevention device testers.  
7     The local health officer may suspend, revoke, or refuse to renew  
8     the certificate of a tester, if, after a hearing before the local health  
9     officer or his or her designee, the local health officer or his or her  
10    designee finds that the tester has practiced fraud or deception or

1 has displayed gross negligence or misconduct in the performance  
2 of his or her duties as a certified backflow prevention device tester.  
3 The local health officer may collect fees from certified testers to  
4 offset the cost of the certification program provided pursuant to  
5 this section. The certification standards shall be consistent with  
6 the backflow protection regulations adopted by the ~~department~~.  
7 *State Water Resources Control Board.*

8 *(b) If a local health officer does not maintain a local*  
9 *certification program pursuant to subdivision (a), testing and*  
10 *maintenance of a backflow prevention device shall be performed*  
11 *by a person who has received a California-specific certification*  
12 *for testing backflow prevention devices by the California-Nevada*  
13 *Section of the American Water Works Association (AWAA),*  
14 *American Society of Sanitary Engineering (ASSE) International,*  
15 *American Backflow Prevention Association (ABPA), or other*  
16 *similar certification provider deemed acceptable by the State Water*  
17 *Resources Control Board or the local health officer.*

18 *SEC. 2. No reimbursement is required by this act pursuant to*  
19 *Section 6 of Article XIII B of the California Constitution because*  
20 *the only costs that may be incurred by a local agency or school*  
21 *district will be incurred because this act creates a new crime or*  
22 *infraction, eliminates a crime or infraction, or changes the penalty*  
23 *for a crime or infraction, within the meaning of Section 17556 of*  
24 *the Government Code, or changes the definition of a crime within*  
25 *the meaning of Section 6 of Article XIII B of the California*  
26 *Constitution.*

27 ~~SECTION 1. Section 116805 of the Health and Safety Code~~  
28 ~~is amended to read:~~

29 ~~116805. (a) Local health officers may maintain programs, in~~  
30 ~~cooperation with water suppliers, to protect against backflow~~  
31 ~~through service connections into the public water supply, and, with~~  
32 ~~the consent of the water supplier, may collect fees from the water~~  
33 ~~supplier to offset the costs of implementing these programs.~~

34 ~~(b) The fees authorized under this section and under Section~~  
35 ~~116800 shall be limited to the costs of administering these~~  
36 ~~programs. At the discretion of the water supplier, the fees collected~~  
37 ~~from the water supplier by the local health officer may be passed~~  
38 ~~through to water users.~~

1     ~~(e) Programs authorized under this section and Section 116800~~  
2     ~~shall be conducted in accordance with backflow protection~~  
3     ~~regulations adopted by the State Water Resources Control Board.~~

4     ~~(d) Nothing in this article shall prevent a water supplier from~~  
5     ~~directly charging those water users required to install backflow~~  
6     ~~prevention devices for the costs of the programs authorized in this~~  
7     ~~section and Section 116800.~~